IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

Bail Appl..No. 7381 of 2007()

CRIME NO.333/2007 OF KODUVALLY POLICE STATION

: PETITIONER/2ND ACCUSED

AYISHA ALI N.,
CHEERUKANDIYIL HOUSE, THALAPPERUMANNA,
KARURAMPOYIL P.O., VIA - KODUVALLY,
KOZHIKODE DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS: COMPLAINANT & STATE

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1. SUB INSPECTOR OF POLICE,
KODUVALLY POLICE STATION, KODUVALLY.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7381 of 2007

Dated this the 30th day of November 2007

O R D E R

Application for anticipatory bail. The petitioner is the second accused. The crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Initially allegations were raised under Section 498A and 376 read with 511 I.P.C. Altogether there are three accused persons. First accused is the husband of the de facto complainant. The petitioner/second accused is the mother-in-law of the de facto complainant and the third accused is the brother-in-law of the de facto complainant. Though there is an allegation that the brother-in-law/third accused had attempted to commit rape on her, investigation has revealed that no such offence has been committed though an allegation under Section 354 I.P.C has now been raised. The first accused is employed abroad.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances referred above that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions. In the absence of opposition, it is not necessary for me to advert to facts in any greater detail.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 07/12/2007. She shall be released on regular bail on condition that she executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make herself available for interrogation before the investigating officer between 10 a.m and 12 noon on 10/12/2007 and subsequently as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law, as if these directions were not issued at all.

(iv) If she were arrested prior to 07/12/2007, she shall be released from custody on her executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 07/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007